

RECEIVED  
CENTRAL FAX CENTER

JAN 24 2005

I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark Office,  
Fax No. 1-703-872-9306 on January 24, 2005

PATENT  
Docket No.: 018781-005710US  
Client Ref. No.: T00-007-1

TOWNSEND and TOWNSEND and CREW LLP

By: Marta Vanegas  
Marta R. Vanegas

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Browner, Michelle F.

Application No.: 10/004,287

Filed: October 23, 2001

For: ANTIINFLAMMATION AGENTS

Examiner: Balasubramanian

Art Unit: 1624

PETITION TO WITHDRAW FROM  
ISSUE AFTER PAYMENT OF ISSUE  
FEE UNDER 37 CFR §1.313(c)(2)

*See  
Copies*

Office of Petitions  
Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Office of Petitions for withdrawal of the above-referenced patent application from issue. This Petition is being submitted after payment of the issue fee, the payment for which was transmitted to the PTO by first class mail on August 26, 2004 and received by the Office on August 30, 2004.

The basis for this petition is 37 CFR §1.313(c)(2): withdrawal is being sought for the purpose to permit consideration of the Request for Continued Examination in compliance with §1.114.

Accompanying this petition is the fee set forth under 37 C.F.R. §1.17(h).

Respectfully submitted,

*Mark H. Hopkins*

Mark H. Hopkins, Ph.D.  
Reg. No. 44,775

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000; Fax: (415) 576-0300  
M3H:mrv

60405412 v1

I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark Office,  
Fax No. 1-703-872-9306 on January 24, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Marta Vanegas

Marta R. Vanegas

**PATENT**  
Docket No.: 018781-005710US  
Client Ref. No.: T00-007-1

**RECEIVED**  
CENTRAL FAX CENTER

JAN 24 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michelle Browner et al.

Application No.: 10/004,287

Filed: October 23, 2001

For: ANTIINFLAMMATION AGENTS

Examiner: Balasubramanian, V.

Art Unit: 1624

**PETITION TO REQUEST THE  
CONSIDERATION OF AN  
UNINTENTIONALLY DELAYED  
PRIORITY CLAIM UNDER  
37 CFR §1.78(6)**

Office of Petitions  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully request the Commissioner to acknowledge the priority claim to an earlier filed domestic application. On October 23, 2001 Applicants submitted a priority claim with the filing papers, however, the priority application number contained a typographical error. Upon noticing this typographical error, on August 6, 2003 Applicants submitted a Request for Corrected Filing Receipt and a corrective Supplemental Application Data Sheet (attached as Exhibit A). On August 29, 2003 the Office issued a Corrected Filing Receipt indicating the correct claim to the earlier filed application number of 60/243,581 (attached as Exhibit B).

Upon reviewing our file before issuance of the subject application, Applicants were concerned whether our submission of August 6, 2003 met the requirements of 37 CFR 1.78(6) in that it did not contain a Petition and statement that the

01/01/2005 FAXED BY 00000001 201420 10004297

02 FCP0450 1370-05 28

Michelle Browner et al.  
Application No.: 10/004,287  
Page 2

PATENT

entire delay was unintentional, or the payment of the required surcharge under 37 CFR 1.17(t). Applicants respectfully submit that the entire delay between the date the claim was due under 37 CFR §1.78(a)(5)(ii) and the filing of this petition and the attached papers was unintentional.

Therefore, Applicants hereby respectfully request that the Office charge the applicable surcharge under 37 CFR 1.17(t) of \$1,370.00 to the Deposit Account No. 20-1430 of the undersigned. Please also charge any additional fees, and credit any overpayment, to the above-referenced Deposit Account.

CONCLUSION

In view of the foregoing, Applicants respectfully request that the Office acknowledge our delayed claim for the benefit of an earlier filed domestic application under 37 CFR 1.78(6). The application number of the earlier filed application is 60/243,581. Applicants also respectfully request that the Office enter the attached Amendment in the subject application.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Mark H. Hopkins  
Reg. No. 44,775

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
M3H:mrw

60405481 v1